IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Civil Writ Petition No.4547 of 2003
With
Review Petition No.107 of 2006
And
Civil Application No.448 of 2004

Shri Gajanan Digambar Shrotri — Petitioner

Vs.

Deputy Registrar,
Co-opertive Societies & ors. — Respondents

Petitioner in person.

Mr.A.H.Palekar, AGP for State.

Ms.Kavita Yadav h/f. Mr.V.S.Parandkar for intervenor.

CORAM: B.H.MARLAPALLE,J.

July 13, 2006.

P.C.

. As per the order dated 7/6/2006 passed in this petition the General Body Meeting of Madhuvan Co-operative Housing Society Ltd., Dombivli (West), Dist. Thane was held on 9/7/2006. Out of the 21 members present, 19 members agreed to hold fresh elections whereas the present petitioner was not in favour of such a decision and he insisted that initially the dismissed committee must be revived and

a temporary managing committee should be appointed to make preparations for holding the elections of the new committee. At the same time all the 21 members were unanimous in requesting this Court to give directions for early disposal of Case No.661 of 1982 pending before the Co-operative Court at Mumbai.

. The Deputy Registrar, Co-operative Societies, Kalyan Taluka by invoking his powers under Section 102(1)(c)(ii) of the Maharashtra Co-operative Societies Act, 1960 had passed an order on 24/2/2003 and superseded the committee by appointing an administrator. This order was challenged before the Divisional Joint Registrar, Pune Division in Revision Application No.184 of 2003 filed under Section 154 of the said Act and the revision came to be dismissed on 28/4/2003.

. Undoubtedly the fresh elections for constituting the managing committee are over due and Mr.H.P.Kotwal, Deputy Registrar, Co-operative Societies, Kalyan is present in the Court and Mr. Palekar, the learned AGP on taking instructions from him states that due steps will be taken by the Deputy Registrar to ensure that the elections to constitute

a new managing committee of Madhuvan Co-operative Housing Society Ltd. will be taken as expeditiously as possible and in any case the elections shall be completed within a period of three months from today. The contention of some of the members that to hold fresh elections six months time is required cannot be accepted and more so when the total membership of the Society is only 42.

. In these circumstances, the petition is hereby disposed off by directing the Deputy Registrar, Co-operative Societies, Kalyan to take appropriate steps for holding fresh elections to the managing committee of Madhuvan Co-operative Housing Society Ltd., Dombivli (West) and to ensure that such a committee resumes office within a period of three months from today. The order of status quo passed by this Court on 11th July 2003 will continue to operate till the newly constituted managing committee takes over.

. It is made clear that pendency of the revision before the State Government will not come in the way of the Deputy Registrar for holding fresh elections.

. In case the record of the Society is not made available within a period of one week from today to the Deputy Registrar by the person who is holding this record as at present, the Deputy Registrar shall proceed on the basis that all the 42 members are eligible to participate in the elections.

. In view of the above directions, no separate order is required to be passed in Review Petition No.107 of 2006 and Civil Application No.448 of 2004 and the same stand disposed off. Trial of Case No.661 of 1982, if still pending, is hereby expedited.

. The petitioner - party in person, re-appeared at 2 p.m. and submitted an oral application to stay this order. The application is hereby rejected.

(B.H.MARLAPALLE,J.)